IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,) 8:11CR18
Plaintiff,	6.11CK16
vs.)	DETENTION ORDER
Moises Morales-Velasquez,	
Defendant.)	
A. Order For Detention	
After the defendant waived a detention hearing of the Bail Reform Act, the Court orders the about pursuant to 18 U.S.C. § 3142(e) and (i).	•
B. Statement Of Reasons For The Detention The Court orders the defendant's detention X By a preponderance of the evidence of conditions will reasonably assure the required. By clear and convincing evidence that conditions will reasonably assure the community.	because it finds: that no condition or combination of appearance of the defendant as at no condition or combination of
C. Finding Of Fact The Court's findings are based on the evider that which was contained in the Pretrial Servor X (1) Nature and circumstances of the X (a) The crime: Fraud and r	vices Report, and includes the following:
	entation of a social security number is a serious crime and carries a
(b) The offense is a crime of very contract (c) The offense involves a national contract (c) the offense involves a national contract (c) the offense is a crime of very contract (c) the offense is a contract (c) the offense	<u>5 year</u> imprisonment. <i>v</i> iolence.
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	 X The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:
	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
(4)	The nature and seriousness of the danger posed by the defendant's release are as follows:
(5)	Rebuttable Presumptions In determining that the defendant should be detained, the Court also
	relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: _ (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or

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	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 28, 2011.

BY THE COURT:

and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

s/ F. A. Gossett United States Magistrate Judge